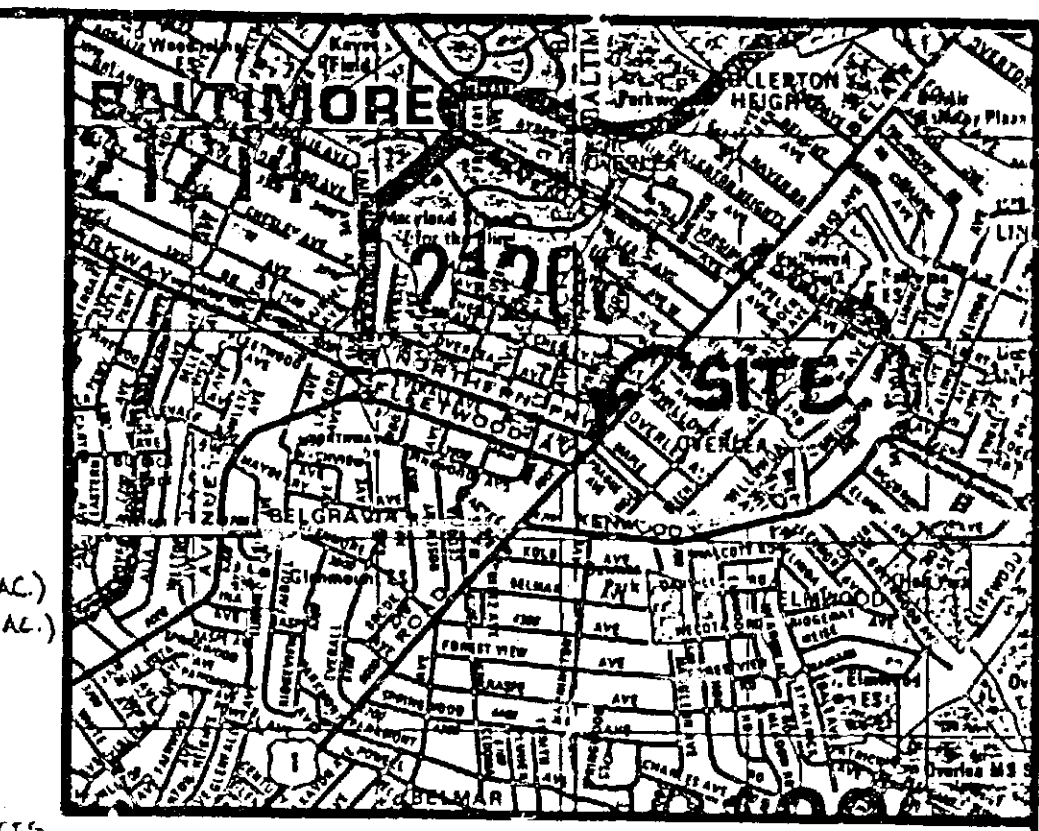


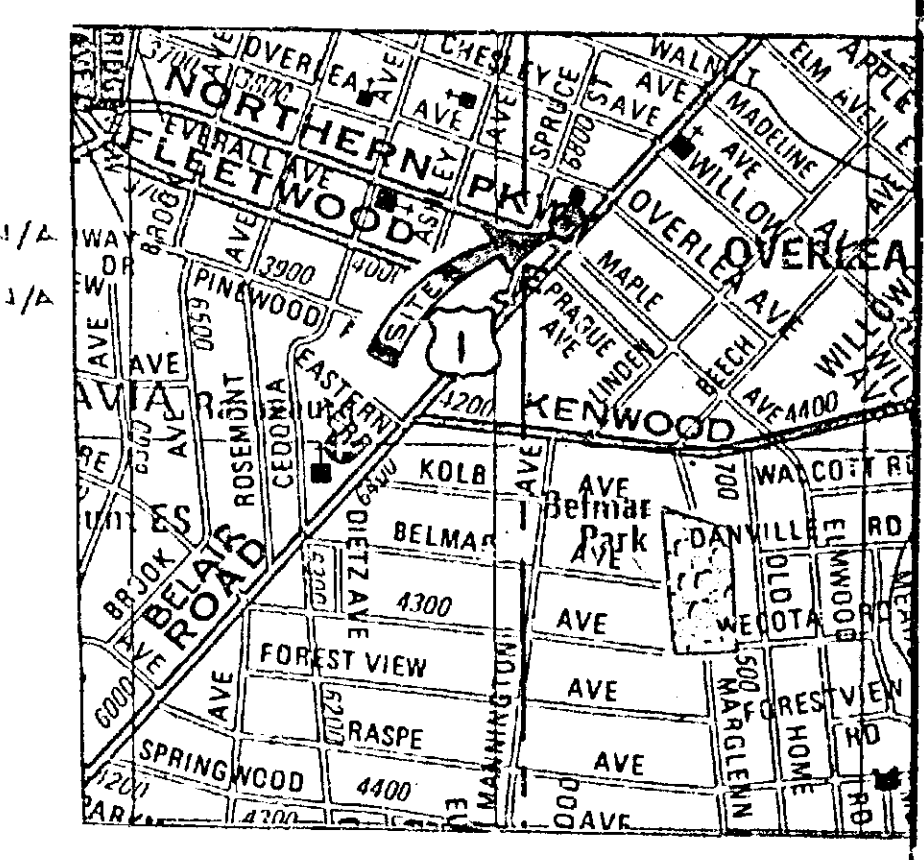
- LEGEND**
- LANDSCAPE AMENITY OPEN SPACE
 - PETITION FOR VARIANCE ITEM

- NOTES**
1. DEVELOPMENT NAME: OVERLEA COURT PROFESSIONAL BUILDING
 2. APPLICANT: ALBERT T. SAUNDERS
5307 ELLMORE AVENUE
BALTIMORE, MD 21206
(410) 882-4865
 3. A. ELECTION DISTRICT: 14
B. COUNCILMANIC DISTRICT: 6
C. CENSUS TRACT: 4402
D. WATERSHED: 22
E. SUBDIVISION: 3
F. REGIONAL PLANNING DISTRICT: 316
 4. SITE AREA: NET: 17,403 SQ FT (0.40 AC)
BL-CCC: 16,098 SQ FT (0.37 AC)
RD: 1,305 SQ FT (0.03 AC)
 5. SITE USE: FORMERLY: GASOLINE SERVICE STATION (ABANDONED)
PROPOSED: GENERAL OFFICE
 6. PARKING:
REQUIRED: 7426 SQ FT x 33 SPACES
1500 SQ FT x 24.5 SPACES, 50' x 75' SPACES
PROVIDED: 20 SPACES
 7. FLOOR AREA RATIO:
BL-CCC: 5860 SQ FT : 0.34 ; RD: 1566 SQ FT : 1.20
16,998 SQ FT
 8. AMENITY OPEN SPACE:
REQUIRED: BL-CCC: 5860 SQ FT x 0.2 = 1,172 SQ FT ; RD: 1/2
PROVIDED: BL-CCC: 1950 SQ FT ; RD: 1/2
 9. THIS SITE IS SERVED BY MUNICIPAL WATER AND SEWERAGE.
 10. SITE SOILS:
SOIL TYPE HOMESITES W/O BASEMENT PARKING LOTS
Bu C - BELLEVILLE SLIGHT SEVERE SLOPE
 11. THE SITE IS DEVOID OF THE FOLLOWING:
A. HISTORICAL BUILDINGS
B. ARCHEOLOGICAL SITES
C. ENDANGERED SPECIES HABITAT
D. RESIDENTIAL TRANSITION AREAS
E. JURISDICTIONAL WETLANDS
 12. THE SITE IS LOCATED OUTSIDE OF THE FOLLOWING LIMITS:
A. 100 YEAR FLOODPLAIN
B. CRITICAL AREA
 13. TRIP GENERATION RATE:
7426 SQ FT x 34 ADT / 1000 SQ FT = 252 ADT
 14. ALL PARKING SPACES AND MANEUVERING AISLES SHALL BE PAVED WITH A DUNE SAND DUSTLESS SURFACE AND PERMANENTLY STRIPED. CURB STOPS SHALL BE PROVIDED AT EACH SPACE. CURBING MAY BE ADDED AT THE OWNER'S OPTION.
 15. THERE ARE NO EXISTING WELLS, SEPTIC SYSTEMS OR UNDERGROUND STORAGE TANKS ON THIS PROPERTY. THE UNDERGROUND STORAGE TANKS HAVE BEEN REMOVED AS STATED IN THE LETTER OF COMPLIANCE DATED SEPTEMBER 9, 1993, MOE CASE NO. 92-1761 BA-3.
 16. THE PROPOSED BUILDING WILL NOT INTERFERE WITH THE COUNTY MICROWAVE SYSTEM.
 17. STORMWATER MANAGEMENT SHALL CONFORM WITH CURRENT COUNTY REGULATIONS.
 18. ON SITE LIGHTING SHALL BE ARRANGED AND SHIELDED AS TO CONFINED ALL DIRECT LIGHT FROM SHINING OR GLARING ONTO ADJACENT MOTORWAYS OR INTO THE PATH OF ONCOMING VEHICLES AND SHALL OTHERWISE CONFORM WITH SECTION 409.8.4.3 BCZR.
 19. THIS SITE WAS APPROVED BY THE CRG AS A ROYAL FARM STORE 12/12/91 UNDER NO. 91304 & XIV-309.
 20. THE DEC. DEPARTED - LUNED EXEMPTION 3/17/94 FOR CONSTRUCTION OF A ONE STORY 8700 SQ FT ALARMED UNDER SECTION 20-100000 BCR, DEC. 100.03443, 1460.
 21. A SCHEMATIC LANDSCAPE PLAN SHALL BE PREPARED SEPARATELY.
 22. TOTAL DISTURBED AREA: 16,200 SQ FT (0.73 AC)

I, *Albert T. Saunders*, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO THE FOLLOWING: THE APPLICANT, A PERSON WITH FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.



VICINITY MAP
SCALE: 1" = 2,000



LOCATION MAP
SCALE: 1" = 1,000

PETITIONER'S EXHIBIT 1517

94-532-XA

PLAN TO ACCOMPANY PETITION FOR VARIANCE AND SPECIAL EXCEPTION							
ZADM # XIV-309							
OVERLEA COURT PROFESSIONAL BUILDING 6804 BELAIR ROAD ELECTION DISTRICT 14, C-6 BALTIMORE COUNTY, MARYLAND							
SCALE: 1" = 20' DATE: MAR. 25, 1994							
<div><div></div><div></div></div>							
<table border="1"><tr><th>DATE</th><th>REVISION</th><th>BY</th></tr><tr><td>4-12-94</td><td>ZADM CHECKPOINT COMMENTS</td><td>COP</td></tr></table>		DATE	REVISION	BY	4-12-94	ZADM CHECKPOINT COMMENTS	COP
DATE	REVISION	BY					
4-12-94	ZADM CHECKPOINT COMMENTS	COP					

7/12/94 370494

LAW OFFICES
WHITEFORD, TAYLOR & PRESTON

SUITE 400
500 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410-832-2000
FAX 410-832-2015

SUITE 400
3817 FIVE STREET NW
WASHINGTON, D.C. 20007-1919
TELEPHONE 202-455-4800
FAX 202-331-0571

G. SCOTT BARNHART
DIRECTOR NUMBER
8/2/91 2001

July 21, 1994

Arnold Jablon, Esquire
Director
Department of Zoning Administration
and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Saunders - Petition for Special Exception
Case No. 94-532-XA

Dear Mr. Jablon:

We have received the Notice of Hearing in the above-referenced Petition for Special Exception and Variances which is scheduled for August 2, 1994. Unfortunately, I will not be available on that date. Please reschedule the hearing for a later date in August.

I spoke to the Zoning Commissioner's office this morning and informed them of our need to reschedule. They advised me that Monday, August 8, 1994 is available for a new hearing date. We would be grateful if we could reschedule for that date.

Thank you for your attention to this matter. If you have any questions or comments, please feel free to contact me.

Sincerely,
G. Scott Barnhart

RECEIVED
JUL 22 1994
ZADM

GSB/slr
cc: Mr. Ted Saunders

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
PAUL FRANKS	7427 WINGEN RD
TED SAUNDERS	6317 FINEST DR - EMT. DIST. 2

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: August 1, 1994

SUBJECT: 6804 Belair Road

INFORMATION:

Item Number: 517

Petitioner: Albert T. Saunders

Property Size:

Zoning: B.L.-C.C.C.

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The attached comments of Nicholas Linehan reflect the position of this office.

Prepared by: Jeffrey M. Long

Division Chief: Dennis West Jr. / Amy Kerns

PK/JL:lw

PETITIONER'S
EXHIBIT 3

2AC.517/PZONE/ZAC1 Pg. 1

BALTIMORE COUNTY MARYLAND
OFFICE OF PLANNING AND ZONING
Design Review Comments

DATE: July 29, 1994

TO: Jeff Long

FROM: Nicholas Linehan

PROJECT: OVERLEA COURT PROFESSIONAL BUILDING

PROJECT NO.: XIV-309

Site Context

The site consists of a recently renovated building and a parking lot. It is located at a prominent intersection of Northern Parkway and Belair Road and it is within the Overlea-Fullerton Revitalization District.

The site is adjacent to DR 5.5 zoned property developed as a church and parsonage and to a R-O zoned office conversion. The applicant is requesting variances to side and rear building setbacks in order to build an addition extending to the property lines. This expansion plus a second floor addition will increase the required on-site parking for which a variance is also requested. Renovations to the facade made during the recent conversion to offices have improved the building's appearance. An iron fence with brick columns was constructed along the property line.

Plans were drafted by Economic Development and Community Members to restore the trolley station located just north of the site on Belair Road. The trolley station is used as a MTA bus stop. The streetscape improvements should complement the renovation and landscaping of the trolley station.

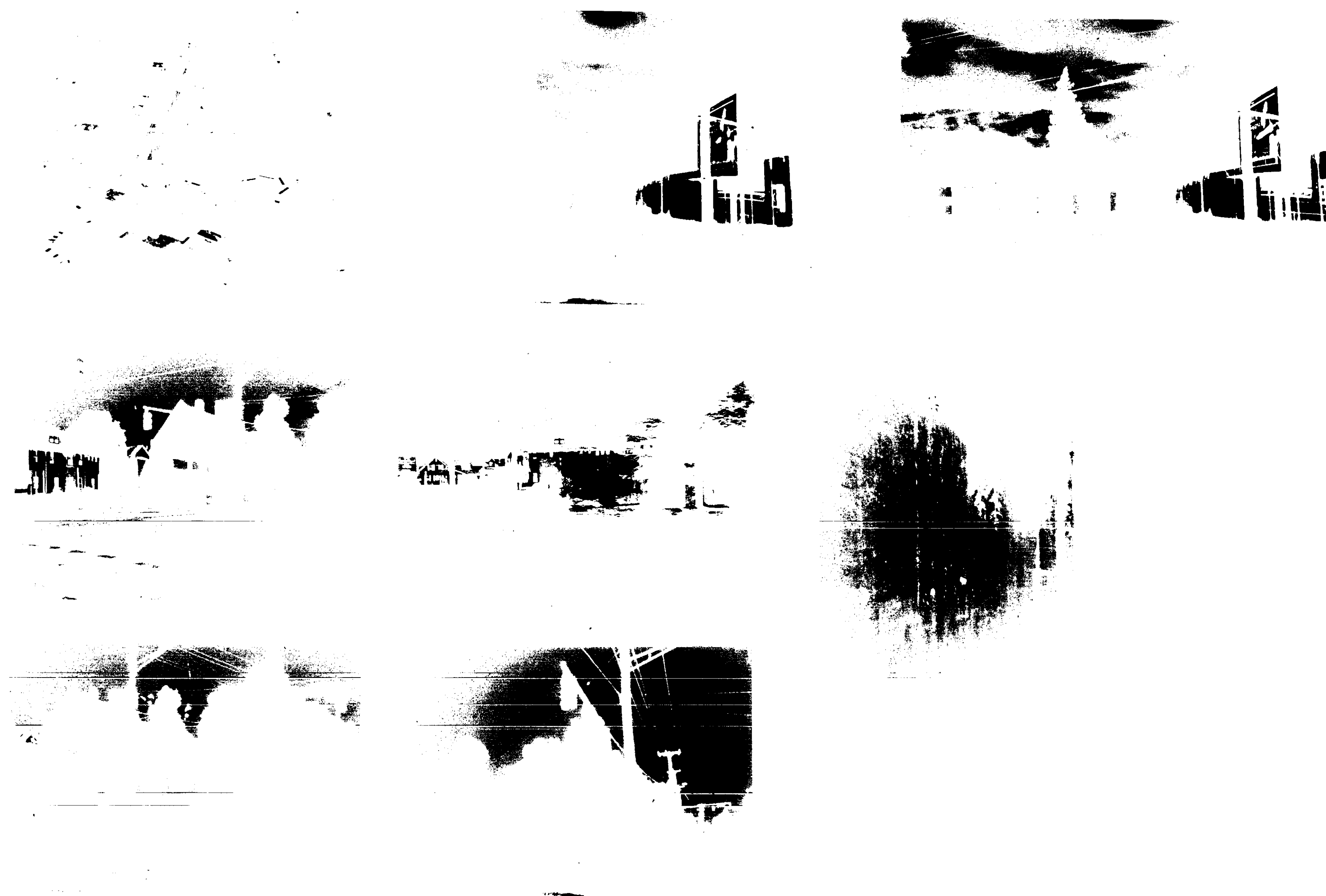
This business area consists of a traditional commercial core at the City/County line with a strip commercial development extending to the northeast along Belair Road. Redevelopment of this site can help sustain a positive self image necessary to community conservation and commercial revitalization.

Design Recommendations

The following design recommendations and attached sketch plans address issues related to the variances and the design objectives of the Belair Road Corridor Study adopted in 1980.

- Revise the parking layout to add a row of head-in parking to replace the parallel parking spaces shown on the plan. This layout will provide 2 additional parking spaces reducing the variance request to 3 spaces instead of 5. This will also improve the appearance of the site by reducing the amount of paving (that is unusable) and increase the landscape area along Belair Road and in front of the building.
- Maintain architectural consistency between the existing building and the proposed additions.
- Provide streetscape improvements along Belair Road including the street corner and the project frontage on Northern Parkway. This will necessitate removing the corner fence post at the intersection and setting the fence back to provide landscaping. The landscape design should provide a row of street trees on Belair Road and Northern Parkway. Screen the parking lot with low plantings.
- Provide appropriate landscape transitions and screening between this site and the adjacent properties.
- Provide pleasant and useable amenity open space in front (corner) of the building. The parking island at the intersecting corner of the two parking rows can be enlarged by removing a parking space that would be picked up in the recommended parking lot revision. A bench, tree, shrub plantings and decorative paving would be considered quality amenity open space.
- Provide an attractive identification sign that relates to the building design and is integrated with the streetscape and existing fence at the intersection.
- Screen the dumpster from view of Belair Road. Design the dumpster enclosure to compliment the building design.

Nicholas M. Linehan
Nicholas Linehan, RLA
Office of Planning and Zoning
Development Review Section



Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-532-XA (Item 517)
6804 Belair Road
NWC Belair Road and Northern Parkway
14th Election District - 6th Councilmanic
Petitioner(s): Albert T. Saunders
HEARING: TUESDAY, AUGUST 2, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse

Special Exception for a Class B office building. Variance to permit 20 parking spaces in lieu of the required 25 spaces; to permit a zero-foot side yard setback and no buffer in lieu of the required 20-foot setback and a 10-foot buffer in the R.O. portion of the proposed addition; to permit a zero-foot side yard setback in lieu of the required 10-foot setback in the B.L.-C.C.C. portion of the proposed addition; to permit a zero-foot rear yard setback and buffer in lieu of the required 30-foot setback and 10-foot buffer in the R.O. portion of the proposed addition; and to permit a floor area ratio of 1.2 in lieu of the maximum permitted ratio of .33 in the R.O. portion of the proposed addition.

Arnold Jablon
Arnold Jablon
Director

cc: Albert T. Saunders
G. Scott Barhight, Esquire

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 22, 1994

CONFIRMATION
NOTICE OF REASSIGNMENT

CASE NUMBER: 94-532-A (Item 517)
6804 Belair Road
NWC Belair Road and Northern Parkway
14th Election District - 6th Councilmanic
Petitioner(s): Albert T. Saunders

Special Exception for a Class B office building. Variance to permit 20 parking spaces in lieu of the required 25 spaces; to permit a zero-foot side yard setback and no buffer in lieu of the required 20-foot setback and a 10-foot buffer in the R.O. portion of the proposed addition; to permit a zero-foot side yard setback in lieu of the required 10-foot setback in the B.L.-C.C.C. portion of the proposed addition; to permit a zero-foot rear yard setback and buffer in lieu of the required 30-foot setback and 10-foot buffer in the R.O. portion of the proposed addition; and to permit a floor area ratio of 1.2 in lieu of the maximum permitted ratio of .33 in the R.O. portion of the proposed addition.

HEARING: MONDAY, AUGUST 8, 1994 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Albert T. Saunders
G. Scott Barhight, Esq.

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 22, 1994

G. Scott Barhight, Esquire
Fourth Floor
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-532-XA, Item No. 517
Petitions for Special Exception and Variance
Petitioner: Albert T. Saunders

Dear Mr. Barhight:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 30, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

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BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 18, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for July 18, 1994
Item No. 517

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the previous Landscape Manual review comments.

RWB:aw

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

Very truly yours,
John Conisabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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JUL 13 1994
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Maryland Department of Transportation
State Highway Administration

Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 457

7-29-94
RECEIVED
4 302
ZONING COMMISSIONER

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. RAMSEY, ACTING CHIEF
John Conisabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 1, 1994

G. Scott Barhight, Esquire
Fourth Floor
210 West Pennsylvania Avenue
Towson, MD 21204

RE: Case No. 94-532-XA, Item No. 517
Petition for Special Exception and Variance
Petitioner: Albert T. Saunders

Dear Mr. Barhight:

Enclosed are copies of comments received from State Highway Administration on July 29, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,
Julie A. Winiarski
Julie A. Winiarski
Office Assistant

Enclosure

RECEIVED
JUL 29 1994
ZADM

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on Recycled Paper

RE: PETITION FOR SPECIAL EXCEPTION *
PETITION FOR VARIANCE *
6804 Belair Road, NWC Belair Road *
and Northern Parkway, 14th Election *
Dist., 6th Councilmanic *
Albert T. Saunders *
Petitioners *

BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY
CASE NO.: 94-532-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of July, 1994, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, 210 W. Pennsylvania Avenue, 4th Floor, Towson, MD 21204, attorney for Petitioner.

RECEIVED
JUL 21 1994
ZADM

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6804 Belair Road, Baltimore, MD 21206

which is presently zoned BL-COC and RO

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be presented at the hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract/Purchase/Lease

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

G. Scott Barhight

(Type or Print Name)

Address

210 W. Pennsylvania Ave, 4th Floor

Towson, MD 21204

Phone No.

832-2050

Date

6/30/94

By

Date

6/30/94

By

Date

6/30/94

By

Date

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By

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By

Date

6/30/94

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 14K Date of Posting: 7/22/94

Posted for: New Date Stickers - New Date 7/22/94

Petitioner: Albert T. Saunders

Location of property: 6804 Belair Road

Location of Sign: Signs roadway on fence of property

Remarks:

Posted by: [Signature] Date of return:

Number of Signs: 2 - No Pole

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 517

Petitioner: ALBERT T. SAUNDERS

Location: BEL AIR ROAD AT NORTHERN PARKWAY

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ALBERT T. SAUNDERS

ADDRESS: 6804 BEL AIR ROAD

BALTIMORE, MD 21206 (410) 687-4865

PHONE NUMBER: (410) 444-4312

PAUL R. FARMUS, PE

APR ASSOCIATES, INC.

AJ:ggg

(Revised 04/09/93)



DESCRIPTION OF PROPERTY

TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE

6804 BELAIR ROAD
14TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at the corner formed by the intersection of the Northwesterly side of Belair Road, 80 feet wide, with the Northeasterly side of Northern Parkway, 50 feet wide; thence running with the Northeasterly side of Northern Parkway North 71 degrees 22 minutes 40 seconds West 89.56 feet to a point; thence leaving Northern Parkway and running North 18 degrees 37 minutes 20 seconds East 145.00 feet and then South 71 degrees 22 minutes 40 seconds East 150.43 feet to intersect the Northwesterly side of Belair Road; thence binding thereon South 41 degrees 23 minutes 40 seconds West 157.26 feet to the point of beginning; containing 0.4 acres more or less.

06/21/94

BRSE.DSC

7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax: (410) 444-1647

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 14K Date of Posting: 7/15/94

Posted for: Special Exception & Variance

Petitioner: Albert T. Saunders

Location of property: 6804 Belair Rd., N.Y. for Mr. Saunders & Belair

Location of Sign: Signs roadway on property, being zone

Remarks:

Posted by: [Signature] Date of return: 7/22/94

Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 1994

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/14, 1994.

THE JEFFERSONIAN,

A. Henrickson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
CASE NUMBER: 94-532-XA (Item 517)
6804 Belair Road
14th Election District - 6th Councilmanic
Petitioner(s): Albert T. Saunders
HEARING: TUESDAY, AUGUST 2, 1994 at 10:00 a.m. in Room 118 Old Courthouse
Special Exception for a Class B office building. Variance to permit 20 parking spaces in lieu of the required 25 spaces; to permit a zero-foot side yard setback and no buffer in lieu of the required 20-foot setback and a 10-foot buffer in the R.O. portion of the proposed addition; to permit a zero-foot side yard setback in lieu of the required 10-foot setback in the R.O.-C.C.C. portion of the proposed addition; to permit a zero-foot rear yard setback and buffer in lieu of the required 30-foot setback and 10-foot buffer in the R.O. portion of the proposed addition; and to permit a floor area ratio of 1.2 in lieu of the maximum permitted ratio of .33 in the R.O. portion of the proposed addition.

TO: POTTER PUBLISHING COMPANY
July 14, 1994 Issue - Jeffersonian

Please forward billing to:

Albert T. Saunders
6804 Belair Road
Baltimore, Maryland 21206
444-4312

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-532-XA (Item 517)
6804 Belair Road
14th Election District - 6th Councilmanic
Petitioner(s): Albert T. Saunders
HEARING: TUESDAY, AUGUST 2, 1994 at 10:00 a.m. in Room 118 Old Courthouse

Special Exception for a Class B office building. Variance to permit 20 parking spaces in lieu of the required 25 spaces; to permit a zero-foot side yard setback and no buffer in lieu of the required 20-foot setback and a 10-foot buffer in the R.O. portion of the proposed addition; to permit a zero-foot side yard setback in lieu of the required 10-foot setback in the R.O.-C.C.C. portion of the proposed addition; to permit a zero-foot rear yard setback and buffer in lieu of the required 30-foot setback and 10-foot buffer in the R.O. portion of the proposed addition; and to permit a floor area ratio of 1.2 in lieu of the maximum permitted ratio of .33 in the R.O. portion of the proposed addition.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3353.

Item Number: 517
Planner: JLL
Date Filed: 10-20-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commission's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or the Zoning Commission's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acres
- Plats (need 12, only submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCZR section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTSOPH)
11/17/93

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - NW/Corner of Belair Road & Northern Parkway (6804 Belair Road) 11th Election District 6th Councilmanic District

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

* Case No. 94-532-XA

Albert T. Saunders
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 6804 Belair Road, located in the Overlea area of Baltimore County. The Petitions were filed by the owner of the property, Albert T. Saunders, through his attorney, G. Scott Barhight, Esquire. The Petitioner seeks a special exception to permit a Class B office building on the subject property and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 409.6.A.2 to permit 20 parking spaces in lieu of the required 25 spaces; 2) from Sections 203.4.C.4 and 203.4.C.8.c.1 to permit a side yard setback of 0 feet and no buffer in lieu of the required 20-foot side yard and 10-foot buffer required in the R.O. zoned portion of the site; 3) from Sections 232.2.b and 1B02.3.C.1 to permit a side yard setback of 0 feet in lieu of the required 10 feet in the B.L.-C.C.C. zoned portion of the site; 4) from Sections 203.4.C.5 and 203.4.C.8.c.2 to permit a rear yard setback of 0 feet and no buffer in lieu of the required 30-foot rear setback and 10-foot buffer in the R.O. zoned portion of the site; and, 5) from Section 203.4.C.1 to permit a floor area ratio of 1.2 in lieu of the maximum permitted .33 in the R.O. zoned portion of the site. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

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Date
By

Appearing on behalf of the Petitions were Albert "Ted" Saunders, property owner, and Paul Francis, Professional Engineer. There were no Protestants present; however, Jeffrey W. Long, a representative of the Office of Planning and Zoning attended the hearing.

Testimony and evidence offered revealed that the subject property consists of 0.40 acres, more or less, split zoned B.L.-C.C.C. and R.O. The property is improved with a one story building which was formerly used as a gasoline service station and is now a one-story office building. The Petitioner is desirous of converting the existing building to a Class B office building and constructing a two-story addition thereto in accordance with Petitioner's Exhibit 1. The existing building is located within the B.L.-C.C.C. zoned portion of the site; however, the proposed addition will straddle both the B.L.-C.C.C. and R.O. zoning lines. Thus, the requested variances are necessary in order to proceed. The Petitioner submitted into evidence various photographs of the property marked as Petitioner's Exhibits 2A through 2H which show the old service station use and the now existing one-story office building. These photographs demonstrate that the Petitioner has made a considerable investment in the property. The existing structure is of brick construction with brick pillars and rod iron fencing along the perimeter of the property. As is apparent from the photographs, the property is very attractive and neat in its appearance. The Petitioner now seeks to further improve the site and requests the special exception and variances in order to facilitate these improvements.

As noted above, Jeffrey Long appeared on behalf of the Office of Planning and Zoning. Mr. Long introduced a copy of his agency's Zoning Plans Advisory Committee (ZAC) comments dated August 1, 1994 which were accepted into evidence as Petitioner's Exhibit 3. Mr. Long reviewed the

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design recommendations set forth therein with the Petitioner and it was agreed that Recommendation No. 1 concerning a revision to the parking layout would be withdrawn as that request is no longer applicable to the subject site. The Petitioner agreed to comply with all other recommendations, with the exception of the following: As to Recommendation No. 4, the Petitioner has agreed to provide appropriate landscaping, where practical. With respect to Recommendation No. 5, it was agreed by both parties that the parking island at the intersecting corner of the two parking rows would match and be constructed of the same paver bricks as that proposed to be placed in front of the office building. Mr. Long testified that his office fully supports the Petitioner's improvements to the subject site and noted that the Petitioner has done an excellent job of improving this area of Belair Road.

It is clear that the B.C.Z.R. permits the use proposed in the R.O. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

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cial exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

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After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of August, 1994 that the Petition for Special Exception for a Class B office building on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 409.6.A.2 to permit 20 parking spaces in lieu of the required 25 spaces; 2) from Sections 203.4.C.4 and 203.4.C.8.c.1 to permit a side yard setback of 0 feet and no buffer in lieu of the required 20-foot side yard and 10-foot buffer required in the R.O. zoned portion of the site; 3) from Sections 232.2.b and 1B02.3.C.1 to permit a side yard setback of 0 feet in lieu of the required 10 feet in the B.L.-C.C.C. zoned portion of the site; 4) from Sections 203.4.C.5 and 203.4.C.8.c.2 to permit a rear yard setback of 0 feet and no buffer in lieu of the required 30-foot rear

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Date
By

- 5 -

setback and 10-foot buffer in the R.O. zoned portion of the site; and, 5) from Section 203.4.C.1 to permit a floor area ratio of 1.2 in lieu of the maximum permitted .33 in the R.O. zoned portion of the site, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall comply with the recommendations, to the extent that they were agreed to at the hearing, by the Office of Planning and Zoning which were entered into evidence as Petitioner's Exhibit 3.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date
By

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 17, 1994

(410) 887-4386

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NW/Corner of Belair Road & Northern Parkway
(6804 Belair Road)
14th Election District - 6th Councilmanic District
Albert T. Saunders - Petitioner
Case No. 94-532-XA

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

file



Petition for Special Exception
94-532-XA
to the Zoning Commissioner of Baltimore County

for the property located at 6804 Belair Road, Baltimore, MD 21206

which is presently zoned RL-OCC and RU

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A class B office building

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City State Zip

Attorney for Petitioner:

G. Scott Barhight

(Type or Print Name)

G. Scott Barhight/CKMCS

210 W. Pennsylvania Ave., 4th Floor

Towson, MD 21204

Phone No. 832-2050

(We, as voluntary donors and officers, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Albert T. Saunders

Albert T. Saunders

Signature

(Type or Print Name)

Signature

6307 Elinore Avenue

Baltimore, MD 21206

Phone No. 832-2050

G. Scott Barhight

4th Floor

210 W. Pennsylvania Ave., Towson, MD 21204

Phone No. 832-2050

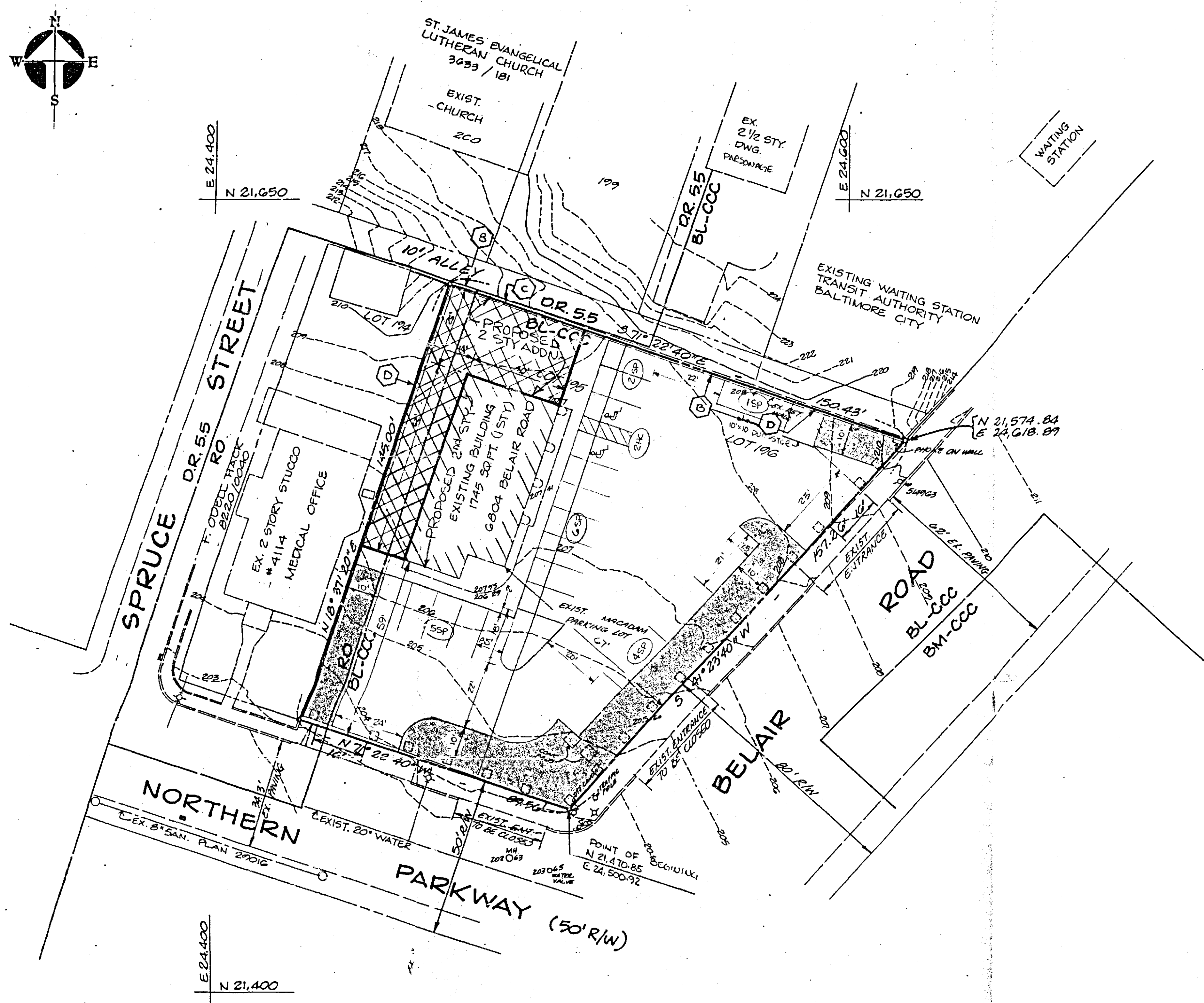
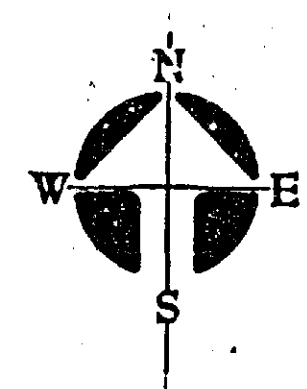
ATTACHED LISTING OF VARIANCES

the following date

ALL OTHER

REMOVED BY DATE

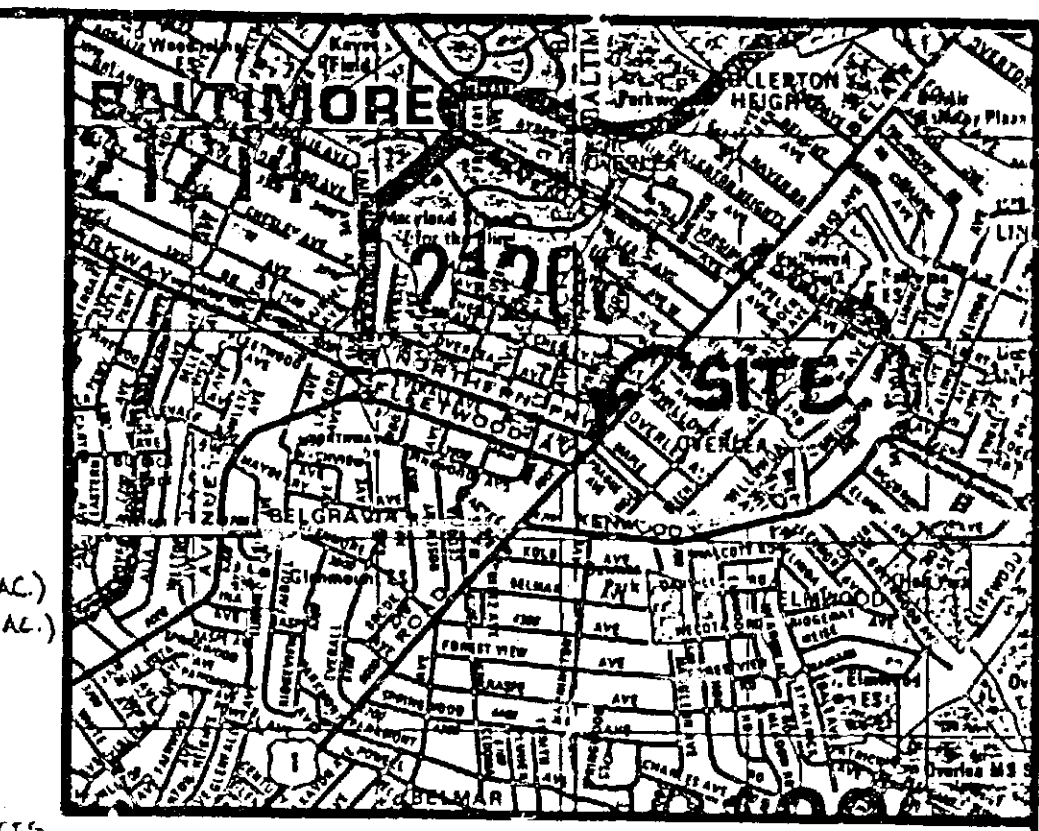
ORDER RECEIVED FOR FILING
Date
By



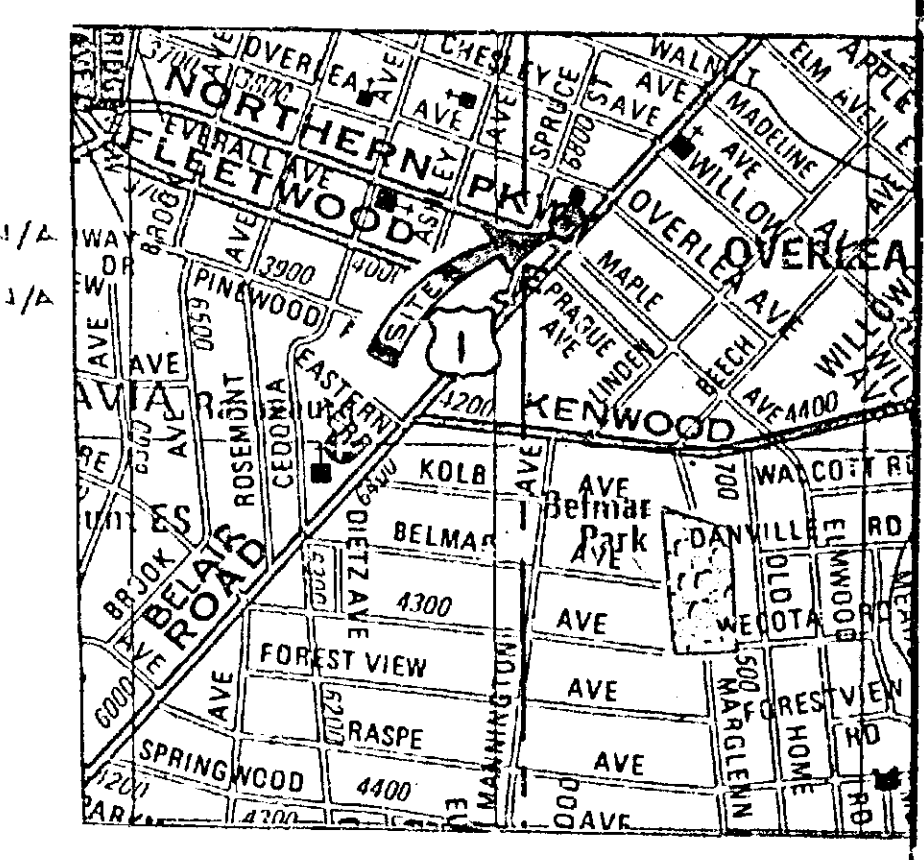
- LEGEND**
- LANDSCAPE AMENITY OPEN SPACE
 - PETITION FOR VARIANCE ITEM

- NOTES**
1. DEVELOPMENT NAME: OVERLEA COURT PROFESSIONAL BUILDING
 2. APPLICANT: ALBERT T. SAUNDERS
5307 ELLMORE AVENUE
BALTIMORE, MD 21206
(410) 882-4865
 3. A. ELECTION DISTRICT: 14
B. COUNCILMANIC DISTRICT: 6
C. CENSUS TRACT: 4402
D. WATERSHED: 22
E. SUBWATERSHED: 3
F. REGIONAL PLANNING DISTRICT: 316
 4. SITE AREA: NET: 17,403 SQ FT (0.40 AC)
BL-CCC: 16,098 SQ FT (0.37 AC)
RD: 1,305 SQ FT (0.03 AC)
 5. SITE USE: FORMERLY: GASOLINE SERVICE STATION (ABANDONED)
PROPOSED: GENERAL OFFICE
 6. PARKING:
REQUIRED: 7426 SQ FT x 33 SPACES
1500 SQ FT x 24.5 SPACES, 50' x 75' SPACES
PROVIDED: 20 SPACES
 7. FLOOR AREA RATIO:
BL-CCC: 5860 SQ FT : 0.34 ; RD: 1566 SQ FT : 1.20
16,798 SQ FT
 8. AMENITY OPEN SPACE:
REQUIRED: BL-CCC: 5860 SQ FT x 0.2 = 1,172 SQ FT ; RD: 1/2
PROVIDED: BL-CCC: 1950 SQ FT ; RD: 1/2
 9. THIS SITE IS SERVED BY MUNICIPAL WATER AND SEWERAGE.
 10. SITE SOILS:
SOIL TYPE HOMESITES W/O BASEMENT PARKING LOTS
Bu C - BELLEVILLE SLIGHT SEVERE SLOPE
 11. THE SITE IS DEVOID OF THE FOLLOWING:
A. HISTORICAL BUILDINGS
B. ARCHEOLOGICAL SITES
C. ENDANGERED SPECIES HABITAT
D. RESIDENTIAL TRANSITION AREAS
E. JURISDICTIONAL WETLANDS
 12. THE SITE IS LOCATED OUTSIDE OF THE FOLLOWING LIMITS:
A. 100 YEAR FLOODPLAIN
B. CRITICAL AREA
 13. TRIP GENERATION RATE:
7426 SQ FT x 34 ADT / 1000 SQ FT = 252 ADT
 14. ALL PARKING SPACES AND MANEUVERING AISLES SHALL BE PAVED WITH A DUNE SAND DUSTED SURFACE AND PERMANENTLY STRIPED. CURB STOPS SHALL BE PROVIDED AT EACH SPACE. CURBING MAY BE ADDED AT THE OWNER'S OPTION.
 15. THERE ARE NO EXISTING WELLS, SEPTIC SYSTEMS OR UNDERGROUND STORAGE TANKS ON THIS PROPERTY. THE UNDERGROUND STORAGE TANKS HAVE BEEN REMOVED AS STATED IN THE LETTER OF COMPLIANCE DATED SEPTEMBER 9, 1993, MDE CASE NO. 92-1761 BA-3.
 16. THE PROPOSED BUILDING WILL NOT INTERFERE WITH THE COUNTY MICROWAVE SYSTEM.
 17. STORMWATER MANAGEMENT SHALL CONFORM WITH CURRENT COUNTY REGULATIONS.
 18. ON SITE LIGHTING SHALL BE ARRANGED AND SHIELDED AS TO CONFINED ALL DIRECT LIGHT FROM SHINING OR GLARING ONTO ADJACENT MOTORWAYS OR INTO THE PATH OF ONCOMING VEHICLES AND SHALL OTHERWISE CONFORM WITH SECTION 409.8.4.3 BCZR.
 19. THIS SITE WAS APPROVED BY THE CRG AS A ROYAL FARM STORE 12/12/91 UNDER NO. 91304 & XIV-309.
 20. THE DEC. DEPARTED - LUNED EXEMPTION 3/17/94 FOR CONSTRUCTION OF A ONE STORY 8700 SQ FT ALARMED UNDER SECTION 20-100(b)(1) BCZR, DEC. 100.03443, 1460.
 21. A SCHEMATIC LANDSCAPE PLAN SHALL BE PREPARED SEPARATELY.
 22. TOTAL DISTURBED AREA: 16,280 SQ FT (0.73 AC)

I, *Albert T. Saunders*, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO THE FOLLOWING: THE APPLICANT, A PERSON WITH FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.



VICINITY MAP
SCALE: 1" = 2,000'



LOCATION MAP
SCALE: 1" = 1,000'

PETITIONER'S EXHIBIT 1517

94-532-XA

PLAN TO ACCOMPANY PETITION FOR VARIANCE AND SPECIAL EXCEPTION	
ZADM # XIV-309	
OVERLEA COURT PROFESSIONAL BUILDING 6804 BELAIR ROAD ELECTION DISTRICT 14, C-6 BALTIMORE COUNTY, MARYLAND	
SCALE: 1" = 20' DATE: MAR. 25, 1994	
DATE: 4-12-94	BY: [Signature]
REVISION: [Blank]	BY: [Blank]
ZADM CHECKPOINT COMMENTS	

7/12/94 370494

LAW OFFICES
WHITEFORD, TAYLOR & PRESTON

SUITE 400
500 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410-832-2000
FAX 410-832-2015

SUITE 400
3817 FIVE STREET NW
WASHINGTON, D.C. 20007-1919
TELEPHONE 202-455-4800
FAX 202-316-0571

G. SCOTT BARNHART
DIRECTOR NUMBER
8/2/91 2001

July 21, 1994

Arnold Jablon, Esquire
Director
Department of Zoning Administration
and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Saunders - Petition for Special Exception
Case No. 94-532-XA

Dear Mr. Jablon:

We have received the Notice of Hearing in the above-referenced Petition for Special Exception and Variances which is scheduled for August 2, 1994. Unfortunately, I will not be available on that date. Please reschedule the hearing for a later date in August.

I spoke to the Zoning Commissioner's office this morning and informed them of our need to reschedule. They advised me that Monday, August 8, 1994 is available for a new hearing date. We would be grateful if we could reschedule for that date.

Thank you for your attention to this matter. If you have any questions or comments, please feel free to contact me.

Sincerely,
G. Scott Barnhart

RECEIVED
JUL 22 1994
ZADM

GSB/slr
cc: Mr. Ted Saunders

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
PAUL FRANKS	7427 WINGEN RD
TED SAUNDERS	6317 FINEST DR - EMT. DIST. 2

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: August 1, 1994

SUBJECT: 6804 Belair Road

INFORMATION:

Item Number: 517

Petitioner: Albert T. Saunders

Property Size:

Zoning: B.L.-C.C.C.

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The attached comments of Nicholas Linehan reflect the position of this office.

Prepared by: Jeffrey M. Long

Division Chief: Dennis West Jr. / Amy Kerns

PK/JL:lw

PETITIONER'S
EXHIBIT 3

ZAC.517/PZONE/ZAC1 Pg. 1

BALTIMORE COUNTY MARYLAND
OFFICE OF PLANNING AND ZONING
Design Review Comments

DATE: July 29, 1994

TO: Jeff Long

FROM: Nicholas Linehan

PROJECT: OVERLEA COURT PROFESSIONAL BUILDING

PROJECT NO.: XIV-309

Site Context

The site consists of a recently renovated building and a parking lot. It is located at a prominent intersection of Northern Parkway and Belair Road and it is within the Overlea-Fullerton Revitalization District.

The site is adjacent to DR 5.5 zoned property developed as a church and parsonage and to a R-O zoned office conversion. The applicant is requesting variances to side and rear building setbacks in order to build an addition extending to the property lines. This expansion plus a second floor addition will increase the required on-site parking for which a variance is also requested. Renovations to the facade made during the recent conversion to offices have improved the building's appearance. An iron fence with brick columns was constructed along the property line.

Plans were drafted by Economic Development and Community Members to restore the trolley station located just north of the site on Belair Road. The trolley station is used as a MTA bus stop. The streetscape improvements should complement the renovation and landscaping of the trolley station.

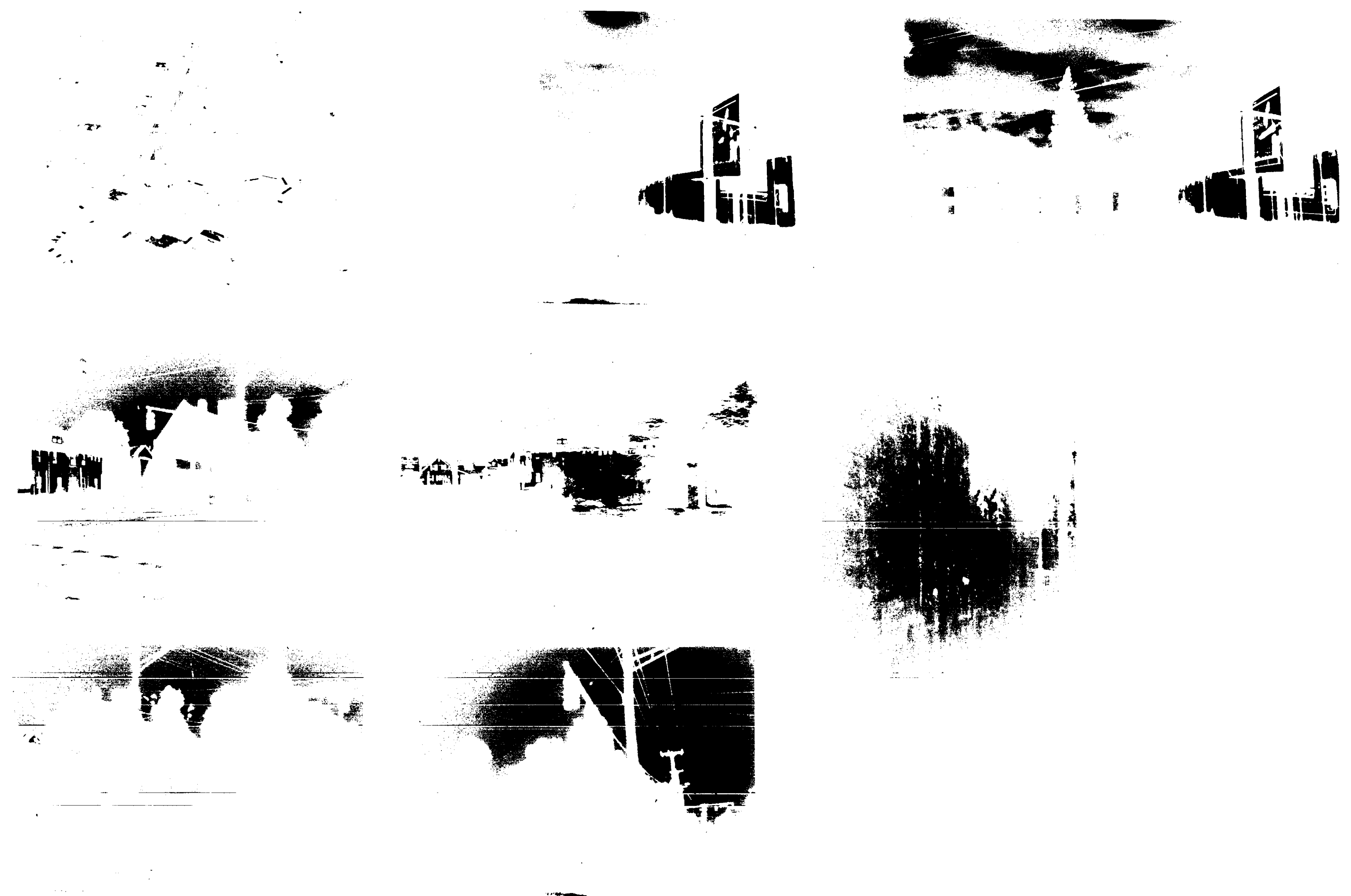
This business area consists of a traditional commercial core at the City/County line with a strip commercial development extending to the northeast along Belair Road. Redevelopment of this site can help sustain a positive self image necessary to community conservation and commercial revitalization.

Design Recommendations

The following design recommendations and attached sketch plans address issues related to the variances and the design objectives of the Belair Road Corridor Study adopted in 1980.

- Revise the parking layout to add a row of head-in parking to replace the parallel parking spaces shown on the plan. This layout will provide 2 additional parking spaces reducing the variance request to 3 spaces instead of 5. This will also improve the appearance of the site by reducing the amount of paving (that is unusable) and increase the landscape area along Belair Road and in front of the building.
- Maintain architectural consistency between the existing building and the proposed additions.
- Provide streetscape improvements along Belair Road including the street corner and the project frontage on Northern Parkway. This will necessitate removing the corner fence post at the intersection and setting the fence back to provide landscaping. The landscape design should provide a row of street trees on Belair Road and Northern Parkway. Screen the parking lot with low plantings.
- Provide appropriate landscape transitions and screening between this site and the adjacent properties.
- Provide pleasant and useable amenity open space in front (corner) of the building. The parking island at the intersecting corner of the two parking rows can be enlarged by removing a parking space that would be picked up in the recommended parking lot revision. A bench, tree, shrub plantings and decorative paving would be considered quality amenity open space.
- Provide an attractive identification sign that relates to the building design and is integrated with the streetscape and existing fence at the intersection.
- Screen the dumpster from view of Belair Road. Design the dumpster enclosure to compliment the building design.

Nicholas M. Linehan
Nicholas Linehan, RLA
Office of Planning and Zoning
Development Review Section



Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-532-XA (Item 517)
6804 Belair Road
NWC Belair Road and Northern Parkway
14th Election District - 6th Councilmanic
Petitioner(s): Albert T. Saunders
HEARING: TUESDAY, AUGUST 2, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse

Special Exception for a Class B office building. Variance to permit 20 parking spaces in lieu of the required 25 spaces; to permit a zero-foot side yard setback and no buffer in lieu of the required 20-foot setback and a 10-foot buffer in the R.O. portion of the proposed addition; to permit a zero-foot side yard setback in lieu of the required 10-foot setback in the B.L.-C.C.C. portion of the proposed addition; to permit a zero-foot rear yard setback and buffer in lieu of the required 30-foot setback and 10-foot buffer in the R.O. portion of the proposed addition; and to permit a floor area ratio of 1.2 in lieu of the maximum permitted ratio of .33 in the R.O. portion of the proposed addition.

Arnold Jablon
Arnold Jablon
Director

cc: Albert T. Saunders
G. Scott Barhight, Esquire

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 22, 1994

CONFIRMATION
NOTICE OF REASSIGNMENT

CASE NUMBER: 94-532-A (Item 517)
6804 Belair Road
NWC Belair Road and Northern Parkway
14th Election District - 6th Councilmanic
Petitioner(s): Albert T. Saunders

Special Exception for a Class B office building. Variance to permit 20 parking spaces in lieu of the required 25 spaces; to permit a zero-foot side yard setback and no buffer in lieu of the required 20-foot setback and a 10-foot buffer in the R.O. portion of the proposed addition; to permit a zero-foot side yard setback in lieu of the required 10-foot setback in the B.L.-C.C.C. portion of the proposed addition; to permit a zero-foot rear yard setback and buffer in lieu of the required 30-foot setback and 10-foot buffer in the R.O. portion of the proposed addition; and to permit a floor area ratio of 1.2 in lieu of the maximum permitted ratio of .33 in the R.O. portion of the proposed addition.

HEARING: MONDAY, AUGUST 8, 1994 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Albert T. Saunders
G. Scott Barhight, Esq.

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 22, 1994

G. Scott Barhight, Esquire
Fourth Floor
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-532-XA, Item No. 517
Petitions for Special Exception and Variance
Petitioner: Albert T. Saunders

Dear Mr. Barhight:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 30, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 18, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for July 18, 1994
Item No. 517

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the previous Landscape Manual review comments.

RWB:aw

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

Very truly yours,
John Conisabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RECEIVED
JUL 13 1994
ZADM

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on Recycled Paper

Maryland Department of Transportation
State Highway Administration

Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 457

7-29-94
RECEIVED
4 302
ZONING COMMISSIONER

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. RAMSEY, ACTING CHIEF
John Conisabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 1, 1994

G. Scott Barhight, Esquire
Fourth Floor
210 West Pennsylvania Avenue
Towson, MD 21204

RE: Case No. 94-532-XA, Item No. 517
Petition for Special Exception and Variance
Petitioner: Albert T. Saunders

Dear Mr. Barhight:

Enclosed are copies of comments received from State Highway Administration on July 29, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,
Julie A. Winiarski
Julie A. Winiarski
Office Assistant

Enclosure

RECEIVED
JUL 21 1994
ZADM

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on Recycled Paper

RE: PETITION FOR SPECIAL EXCEPTION *
PETITION FOR VARIANCE *
6804 Belair Road, NWC Belair Road *
and Northern Parkway, 14th Election *
Dist., 6th Councilmanic *
Albert T. Saunders *
Petitioners *

BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY
CASE NO.: 94-532-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of July, 1994, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, 210 W. Pennsylvania Avenue, 4th Floor, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED
JUL 21 1994
ZADM



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6804 Belair Road, Baltimore, MD 21206

which is presently zoned BL-COC and RO

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be presented at the hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract/Purchase/Lease

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

G. Scott Barhight

(Type or Print Name)

Address

210 W. Pennsylvania Ave, 4th Floor

Towson, MD 21204

Phone No.

832-2050

Date

6/30/94

By

Date

6/30/94

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

Albert T. Saunders

(Type or Print Name)

Signature

Address

Signature

Address

6307 Elinore Avenue

Baltimore, MD 21206

City

State

Zipcode

G. Scott Barhight

832-2050

Address

210 W. Pennsylvania Ave, Towson, MD 21204

Phone No.

832-2050

Date

6/30/94

By

Date

6/30/94

By

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6/30/94

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6/30/94

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14K Date of Posting: 7/22/94

Posted for: New Data Stickers - New Data 7/22/94

Petitioner: Albert T. Saunders

Location of property: 6804 Belair Road

Location of Sign: Signs roadway on fence of property

Remarks:

Posted by: [Signature] Date of return:

Number of Signs: 2 - No Pole

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JARLON, DIRECTOR

For newspaper advertising:

Item No.: 517

Petitioner: ALBERT T. SAUNDERS

Location: BEL AIR ROAD AT NORTHERN PARKWAY

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ALBERT T. SAUNDERS

ADDRESS: 6804 BEL AIR ROAD

BALTIMORE, MD 21206 (410) 687-4865

PHONE NUMBER: (410) 444-4312

PAUL R. FOMUS, PE

APR ASSOCIATES, INC.

AJ:ggg

(Revised 04/09/93)



DESCRIPTION OF PROPERTY
TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE
6804 BELAIR ROAD
14TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at the corner formed by the intersection of the Northwesterly side of Belair Road, 80 feet wide, with the Northeasterly side of Northern Parkway, 50 feet wide; thence running with the Northeasterly side of Northern Parkway North 71 degrees 22 minutes 40 seconds West 89.56 feet to a point; thence leaving Northern Parkway and running North 18 degrees 37 minutes 20 seconds East 145.00 feet and then South 71 degrees 22 minutes 40 seconds East 150.43 feet to intersect the Northwesterly side of Belair Road; thence binding thereon South 41 degrees 23 minutes 40 seconds West 157.26 feet to the point of beginning; containing 0.4 acres more or less.

06/21/94

BRSE.DSC

7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax: (410) 444-1647

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14K Date of Posting: 7/15/94

Posted for: Special Exception & Variance

Petitioner: Albert T. Saunders

Location of property: 6804 Belair Rd., N.Y. for Mr. & Mrs. R. & B. J.

Location of Sign: Signs roadway on property, being zone

Remarks:

Posted by: [Signature] Date of return: 7/22/94

Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 1994

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/14, 1994.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
CASE NUMBER: 94-532-XA (Item 517)
6804 Belair Road
14th Election District - 6th Councilmanic
Petitioner(s): Albert T. Saunders
HEARING: TUESDAY, AUGUST 2, 1994 at 10:00 a.m. in Room 118 Old Courthouse
Special Exception for a Class B office building. Variance to permit 20 parking spaces in lieu of the required 25 spaces; to permit a zero-foot side yard setback and no buffer in lieu of the required 20-foot setback and a 10-foot buffer in the R.O. portion of the proposed addition; to permit a zero-foot side yard setback in lieu of the required 10-foot setback in the R.O.-C.C.C. portion of the proposed addition; to permit a zero-foot rear yard setback and buffer in lieu of the required 30-foot setback and 10-foot buffer in the R.O. portion of the proposed addition; and to permit a floor area ratio of 1.2 in lieu of the maximum permitted ratio of .33 in the R.O. portion of the proposed addition.

TO: PUTNEY PUBLISHING COMPANY
July 14, 1994 Issue - Jeffersonian

Please forward billing to:

Albert T. Saunders
6804 Belair Road
Baltimore, Maryland 21206
444-4312

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-532-XA (Item 517)
6804 Belair Road
14th Election District - 6th Councilmanic
Petitioner(s): Albert T. Saunders
HEARING: TUESDAY, AUGUST 2, 1994 at 10:00 a.m. in Room 118 Old Courthouse

Special Exception for a Class B office building. Variance to permit 20 parking spaces in lieu of the required 25 spaces; to permit a zero-foot side yard setback and no buffer in lieu of the required 20-foot setback and a 10-foot buffer in the R.O. portion of the proposed addition; to permit a zero-foot side yard setback in lieu of the required 10-foot setback in the R.O.-C.C.C. portion of the proposed addition; to permit a zero-foot rear yard setback and buffer in lieu of the required 30-foot setback and 10-foot buffer in the R.O. portion of the proposed addition; and to permit a floor area ratio of 1.2 in lieu of the maximum permitted ratio of .33 in the R.O. portion of the proposed addition.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3353.

Item Number: 517
Planner: JLL
Date Filed: 10-20-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commission's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or the Zoning Commission's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acres
- Plats (need 12, only submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCZR section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTSOPH)
11/17/93

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - NW/Corner of Belair Road & Northern Parkway (6804 Belair Road) 11th Election District 6th Councilmanic District

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

* Case No. 94-532-XA

Albert T. Saunders
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 6804 Belair Road, located in the Overlea area of Baltimore County. The Petitions were filed by the owner of the property, Albert T. Saunders, through his attorney, G. Scott Barhight, Esquire. The Petitioner seeks a special exception to permit a Class B office building on the subject property and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 409.6.A.2 to permit 20 parking spaces in lieu of the required 25 spaces; 2) from Sections 203.4.C.4 and 203.4.C.8.c.1 to permit a side yard setback of 0 feet and no buffer in lieu of the required 20-foot side yard and 10-foot buffer required in the R.O. zoned portion of the site; 3) from Sections 232.2.b and 1B02.3.C.1 to permit a side yard setback of 0 feet in lieu of the required 10 feet in the B.L.-C.C.C. zoned portion of the site; 4) from Sections 203.4.C.5 and 203.4.C.8.c.2 to permit a rear yard setback of 0 feet and no buffer in lieu of the required 30-foot rear setback and 10-foot buffer in the R.O. zoned portion of the site; and, 5) from Section 203.4.C.1 to permit a floor area ratio of 1.2 in lieu of the maximum permitted .33 in the R.O. zoned portion of the site. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING
Date
By

Appearing on behalf of the Petitions were Albert "Ted" Saunders, property owner, and Paul Francis, Professional Engineer. There were no Protestants present; however, Jeffrey W. Long, a representative of the Office of Planning and Zoning attended the hearing.

Testimony and evidence offered revealed that the subject property consists of 0.40 acres, more or less, split zoned B.L.-C.C.C. and R.O. The property is improved with a one story building which was formerly used as a gasoline service station and is now a one-story office building. The Petitioner is desirous of converting the existing building to a Class B office building and constructing a two-story addition thereto in accordance with Petitioner's Exhibit 1. The existing building is located within the B.L.-C.C.C. zoned portion of the site; however, the proposed addition will straddle both the B.L.-C.C.C. and R.O. zoning lines. Thus, the requested variances are necessary in order to proceed. The Petitioner submitted into evidence various photographs of the property marked as Petitioner's Exhibits 2A through 2H which show the old service station use and the now existing one-story office building. These photographs demonstrate that the Petitioner has made a considerable investment in the property. The existing structure is of brick construction with brick pillars and rod iron fencing along the perimeter of the property. As is apparent from the photographs, the property is very attractive and neat in its appearance. The Petitioner now seeks to further improve the site and requests the special exception and variances in order to facilitate these improvements.

As noted above, Jeffrey Long appeared on behalf of the Office of Planning and Zoning. Mr. Long introduced a copy of his agency's Zoning Plans Advisory Committee (ZAC) comments dated August 1, 1994 which were accepted into evidence as Petitioner's Exhibit 3. Mr. Long reviewed the

ORDER RECEIVED FOR FILING
Date
By

- 2 -

design recommendations set forth therein with the Petitioner and it was agreed that Recommendation No. 1 concerning a revision to the parking layout would be withdrawn as that request is no longer applicable to the subject site. The Petitioner agreed to comply with all other recommendations, with the exception of the following: As to Recommendation No. 4, the Petitioner has agreed to provide appropriate landscaping, where practical. With respect to Recommendation No. 5, it was agreed by both parties that the parking island at the intersecting corner of the two parking rows would match and be constructed of the same paver bricks as that proposed to be placed in front of the office building. Mr. Long testified that his office fully supports the Petitioner's improvements to the subject site and noted that the Petitioner has done an excellent job of improving this area of Belair Road.

It is clear that the B.C.Z.R. permits the use proposed in the R.O. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

ORDER RECEIVED FOR FILING
Date
By

- 3 -

cial exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

ORDER RECEIVED FOR FILING
Date
By

- 4 -

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of August, 1994 that the Petition for Special Exception for a Class B office building on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 409.6.A.2 to permit 20 parking spaces in lieu of the required 25 spaces; 2) from Sections 203.4.C.4 and 203.4.C.8.c.1 to permit a side yard setback of 0 feet and no buffer in lieu of the required 20-foot side yard and 10-foot buffer required in the R.O. zoned portion of the site; 3) from Sections 232.2.b and 1B02.3.C.1 to permit a side yard setback of 0 feet in lieu of the required 10 feet in the B.L.-C.C.C. zoned portion of the site; 4) from Sections 203.4.C.5 and 203.4.C.8.c.2 to permit a rear yard setback of 0 feet and no buffer in lieu of the required 30-foot rear

ORDER RECEIVED FOR FILING
Date
By

- 5 -

setback and 10-foot buffer in the R.O. zoned portion of the site; and, 5) from Section 203.4.C.1 to permit a floor area ratio of 1.2 in lieu of the maximum permitted .33 in the R.O. zoned portion of the site, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall comply with the recommendations, to the extent that they were agreed to at the hearing, by the Office of Planning and Zoning which were entered into evidence as Petitioner's Exhibit 3.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date
By

- 6 -

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 17, 1994

(410) 887-4386

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NW/Corner of Belair Road & Northern Parkway
(6804 Belair Road)
14th Election District - 6th Councilmanic District
Albert T. Saunders - Petitioner
Case No. 94-532-XA

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

file



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 6804 Belair Road, Baltimore, MD 21206

which is presently zoned BL-COC and RU

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A class B office building

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City State Zip

Attorney for Petitioner:

G. Scott Barhight

(Type or Print Name)

G. Scott Barhight/CKMCS

210 W. Pennsylvania Ave., 4th Floor

Towson, MD 21204

Phone No. 832-2050

(We, as voluntary donors and officers, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Albert T. Saunders

Albert T. Saunders

Signature

(Type or Print Name)

Signature

6307 Elinore Avenue

Baltimore, MD 21206

Phone No.

G. Scott Barhight 832-2050

4th Floor

210 W. Pennsylvania Ave., Towson, MD 21204

Phone No.

832-2050

ATTACHED LISTING OF VARIANCES

the following date

ALL OTHER

REMOVED BY DATE

ORDER RECEIVED FOR FILING
Date
By